Service Date: November 7, 1994

FINAL ORDER NO. 6346

DEPARTMENT OF PUBLIC SERVICE REGULATION MONTANA PUBLIC SERVICE COMMISSION 1701 Prospect Avenue, P.O. Box 202601 Helena, Montana 59620-2601

IN THE MATTER OF Evergreen Disposal, Inc.,)	
Kalispell, Montana, application for a)	Docket No. T-94.89.PCN
Montana Intrastate Certificate of Public)	Order No. 6346
Convenience and Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

- 1. On August 24, 1994, Evergreen Disposal, Inc., 1970 Whalebone Drive, Kalispell, MT 59901, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:
 - <u>Class D</u> Refuse, waste and garbage serving points located from the westerly edge of the Kalispell city limits along Highway 2 west to the Flathead County line, including all points and places within twenty (20) miles of Highway 2 west located in Flathead County.
- 2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public September 7, 1994. That notice said in pertinent part:

If no written protests are received by September 27, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

- 3. No protests or responses of any kind were received.
- 4. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

- 1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.
- 2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.
- 3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 31st day of October, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94.89.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of Evergreen Disposal, Inc., Kalispell, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

<u>Class D</u> - Refuse, waste and garbage serving points located from the westerly edge of the Kalispell city limits along Highway 2 west to the Flathead County line, including all points and places within twenty (20) miles of Highway 2 west located in Flathead County.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 31st day of October, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

	BOB ANDERSON, Chairman	
	BOB ROWE, Vice Chairman	
	DAVE FISHER, Commissioner	
	NANCY McCAFFREE, Commissioner	
ATTEST:	DANNY OBERG, Commissioner	
Kathlene M. Anderson Commission Secretary		
(SEAL)		

NOTE:

Any interested party may request the Commission to reconsider this decision. A motion

to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.